

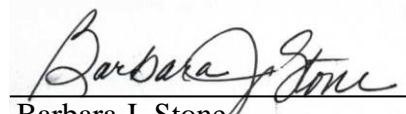
NOTICE OF FINAL DECISION
OF BOARD OF APPEALS

RE: Case No. V-170-17 Manuel Solloso

Enclosed herewith is a copy of the Board Order setting forth the action taken by the Board of Appeals in your case on the following date: January 24, 2018 .

CERTIFICATE OF SERVICE

This is to certify that on February 9, 2018 , the above notice and attached Order of the Board were mailed, postage prepaid, to all persons of record.



Barbara J. Stone
Administrator

cc: Petitioner
Adjoining Property Owners
M-NCPPC, Permit Review Section
DPIE/Building Code Official, Permitting
Other Interested Parties

BEFORE THE BOARD OF APPEALS FOR PRINCE GEORGE'S COUNTY, MARYLAND
Sitting as the Board of Zoning Appeals

Petitioner: Manuel Solloso

Appeal No.: V-170-17

Subject Property: Parcel 167, Tax Map 66, Grid E4, being 7008 Central Avenue, Capitol Heights,
Prince George's County, Maryland

Witness: Francisco Martinez, Petitioner's Nephew

Heard January 10, 2018; Decided: January 24, 2018

Board Members Present and Voting: Bobbie S. Mack, Chairperson
Albert C. Scott, Vice Chairman
Anastasia T. Johnson, Member

RESOLUTION

This appeal is brought before the Board of Appeals, sitting as the Board of Zoning Appeals for the Maryland-Washington Regional District in Prince George's County, Maryland (the "Board"), requesting a variance from the strict application of the provisions of Subtitle 27 of the Prince George's County Code (the "Zoning Ordinance").

In this appeal, a proceeding pursuant to Section 27-229 of the Zoning Ordinance, Petitioner requests that the Board approve a variance from Section 27-120.01(c) of the Zoning Ordinance, which prescribes that no parking space, parking area, or parking structure other than a driveway no wider than its associated garage, carport, or other parking structure may be built in the front yard of a dwelling in the area between the front street line and the sides of the dwelling. Petitioner proposes to validate and obtain a building permit for new driveway area in the front yard. A waiver of the parking area location requirement is requested.

Evidence Presented

The following testimony and record evidence were considered by the Board:

1. The property contains 24,436 square feet, is zoned R-55 (One-Family Detached Residential) and is improved with a single-family dwelling, driveway, inground swimming pool and shed. Exhibits (Exhs.) 2, 4, 7, 8, 9 (A) thru (F) and 18.

2. The property is odd shaped and located on a hill. Exhs. 2, 4, 7, 8 and 9 (A) thru (F).

3. Petitioner would like to obtain a building permit for a new 16.5' x 26.5' driveway extension in front of the dwelling. Since Section 27-120.01(c) states that construction of driveways not leading to a carport or garage is not permitted in the front yard between the front street line and the sides of the dwelling, and part of Petitioner's driveway is in this area of the front yard, a waiver of the parking area location requirement was requested. Exhs. 2, 3 (A) thru (D), 4 and 9 (A) thru (F).

4. Petitioner Manuel Solloso explained that once construction of the house was completed, he discovered water runoff going into the basement. After laying the concrete for the driveway and correcting the grade away from the house, he called for a final inspection during which the County inspector noted that a permit had not been pulled for the driveway extension. Exhs. 2, 3 (A) thru (D), 4, and 9 (A) thru (F).

5. Petitioner further explained that because of the regrading and concrete extension, the water now runs toward the street. He added that there is a three-foot grass strip planted between the driveway and house. Exhs. 2, 3 (A) thru (D), 4, and 9 (A) thru (F).

Applicable Code Section and Authority

Section 27-230 of the Zoning Ordinance authorizes the Board to grant variances when, by reason of exceptional narrowness, shallowness, shape, topography, or other extraordinary situation or condition of specific parcels of property, the strict application of the Zoning Ordinance would result in peculiar and unusual practical difficulties or an exceptional or undue hardship upon the owner of the property, provided such relief can be granted without substantial impairment of the intent, purpose and integrity of the General Plan or Master Plan.

Findings of the Board

After hearing all the testimony and reviewing the evidence of record, the Board finds that the requested variance complies with the applicable standards set forth in Section 27-230, more specifically:

Due to the need to regrade the slope to reroute water runoff toward the roadway and away from the dwelling, and the character of the neighborhood, granting the relief requested would not substantially impair the intent, purpose and integrity of the General Plan or Master Plan, and denying the request would result in a peculiar and unusual practical difficulty upon the owner of the property.

BE IT THEREFORE RESOLVED, unanimously, that a waiver of the parking area location requirement to validate and obtain a building permit for new 16.5' x 26.5' driveway area in the front yard on the property located at Parcel 167, Tax Map 66, Grid E4, being 7008 Central Avenue, Capitol Heights, Prince George's County, Maryland, be and is hereby APPROVED. Approval of the variance is contingent upon development in compliance with the approved site plan, Exhibit 2.

BOARD OF ZONING APPEALS

ORIGINAL SIGNED
By: _____
Bobbie S. Mack, Chairperson

NOTICE

Within thirty (30) days from the date of this decision, any person, firm, corporation, or governmental agency who was a party to the Board's proceedings and is aggrieved by its decision may file an appeal to the Circuit Court of Prince George's County.

Further, Section 27-233(a) of the Prince George's County Code states:

A decision of the Board, permitting the erection of a building or structure, shall not be valid for more than two (2) years, unless a building permit for the erection is obtained within this period and the construction is started and proceeds to completion in accordance with the terms of the decision and the permit.